HON'BLE SRI JUSTICE P.S. NARAYANA

W.P.No.21760 of 2006

Date : 22-11-2006

Between:

Malladi Govinda Rao s/o.Swamy .. Petitioner

And

The Donthukurru Gram Panchayat
Donthukurru, Katrenikona Mandal,
East Godavari District, represented by
its Secretary
and another .. Respondents

HON'BLE SRI JUSTICE P.S. NARAYANA

W.P.No.21760 of 2006

ORDER:

This Court ordered notice before admission on 18-10-2006 and status quo was granted for a limited period and subsequent thereto the same was extended for a further limited period.

The Writ Petition is filed for a writ of mandamus or any other appropriate writ, order or direction declaring the action of the respondents in interfering with the petitioner's peaceful possession and enjoyment of the land to an extent of Acs.2-32 cents in S.No.226 and an extent of Acs.1-45 cents in S.No.232 of Dontukurru village, Katrenikona Mandal, East Godavari District without any manner of right and due process of law as illegal, arbitrary and violative of Articles 14, 19 and 300-A of the Constitution of India and to pass such other suitable orders.

It is stated that the petitioner is the absolute owner of the land to an extent of Acs.2-32 cents in S.No.226 and an extent of Acs.1-45 cents in S.No.232 of Donthukurru village, Katrenikona Mandal, East Godavari District. It is further stated that the petitioner purchased the said land from Smt.Y.Seshayamma for valuable consideration about 10 years ago and had been in possession and enjoyment of the said land and had been raising paddy crop and eking out his livelihood. It is further stated that the respondents after completing the measurements had installed four red flags on the corners of the land and directed the petitioner not to enter into the land and further directed that if the petitioner enters into the land he would face severe consequences. Several factual details had been narrated in the affidavit filed in support of the Writ Petition.

In the light of the facts and circumstances it is needless to say that if the respondents intend to interfere with the possession and enjoyment of the land in question, they are bound to follow the due process of law either by initiating the land acquisition proceedings or otherwise. It is needless to say that the land acquisition proceedings to be initiated in the event of the petitioner being the owner of the
property or being in possession of the property as the case may be.

In the light of the same, the Writ Petition is disposed of directing the respondents not to interfere with the possession and enjoyment of the petitioner relating to the subject matter of the Writ Petition unless and until the procedure in accordance with law is followed. No costs.

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Justice P.S. Narayana

Date : 22-11-2006

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